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PRICE TWO UNITS.

The Problems y Liquor Law
ARRESTS FOR ISTOXICATION YESTERDAY.
There were thirty five arrests for drunkenness yestery in this city, all of whom, as a general thing, were of low extraction, and seemed in ared to station houses and prisons. Their appearance was anything but pre-possessing or refreshing to the eyesight.

The following table shows the number arrested in the

ABBRESTS FOR INTOXICATION IN BROOKLYN.

The whole number of arrests throughout the consoli-dated city for the forty-eight hours preceding yesterday morning was twenty two. The acrests are divided amongst the police districts as follows:—

THE WILLIAMSBURG LIQUOR SEIZURE CASE.

Bafore Justice Jacobs.
Yesterday af or good the case of Thomas Berry, liquor aler, corner of Grand and Seventh streets, Eastern struct, came up for trial. In this case about \$2,000 orth of liquor was seized, since which saveral adjourn-

ments have taken place, the last being in con equence of coursel for defend ant moving for his discharge, on the ground that the Court had no criminal jurisdiction. Philip Hamilton appeared for Mr. Berry.

The District Atterney was una le to be present.

Justice Jacobs, in reference to this question, said that to the lith instant Mr. Hamilton moved for the discharge of the defendant, rhomas Borry, from custody, upon the ground that the court had no criminal jurisdiction—ve act April 13, 1855. Connected with the motion an intimation was made by the counsel that prave (outle existed as to his (Justice Jacobe') right to act as Justice at all, by vision of the Governor's appointment, and he thought it both advisable and important, not only with a view to a proper administration of the law, but for his save personally, to examine that point in connection with he whole subject involved, in order that he might unless are devolving upon him. The he had endeavored to do with the aid of counsel, and had arrived at the following conclusions:—

First.—That he is a justice of the peace, duly and

Berry.

Mr Hamilton took exception to the decirius, and also as to the power of the Governor in making the appointment of Justice Jacobs. He also denied the charges alleged system that Berry, and demanded a jury trial. The trial is set down for July 30.

The syme railing and enceptions were made in the case of Wm Gurchard, and the case set down for trial on Wednesday, August 1.

THE LANDIN LIQUOR CASE IN ALBANY—JUSTICE COLES CHARGE TO THE JURY—THE CASE CARRIED

see such tribunal has passed upon this law, it is to be diemed by us here as a good and valid law. For the puppose of this case, I shall consider this law as constitutional and valid. I have my own opinions of it, however. I believe portions of it unwise, and perhaps parts of it will be declared to be unconstitutional. But gentlemen, as I have already said, it is not for you nor me to decide that question. Fine case is not of that class of cases which would jurify us in deciding upon that point. It does not involve the question of the inslineable rights of the individual. The defendant is this suit, Mr. Landon, has beer arraigned for violating the statute which grobibite the sale of in beriesting fluors. In considering the case, I shall deem the first section of the law—the section under which he is arraigned—as conclitutional. This point being assumed, the next inquiry is, what were the intentions of the Legislature in adopting this section 7 for it is your duty to carry out those intentions, if you can arcertain what those intentions were. But is endeavoring to do so, you must construct the statute strictly. It is not your province to speculate upon what those intentions were. But in endaying the section field, and what was the remedy sength to be remarked, and what was the remedy sength to be applied; The latention of the Lagislature was evidently to prohibly the sale of dioxicating drinks altogether—that is, in every case within their province. The prevince to the right to sell which in this State is given by any law or treats of the United States? — was based upon the life.

sale of imported sprits by the importer. Be after what is imported has passed out of the hands of the importer, and takes it splace among the articles of commerce in the county, the State, according to the judical decision, has the right to prohibit five sale. It is a rule of law, also, that if any clause of a statu's defeate the palpable object of the whole statute, that clause must be righted. Does this rule apply here? Does this provise conflict with the evident intuition of this statute? I have been of the opinion that it forbade the sale of imported liquors after they had passed out of the hands of the importer. Nevertheless, the opinion of others, as they have reached me—of the Recorder of New York, of the Judges in Brootlyn and others—have chaken my former opinion somewhat. There opinion are not the fliquor between the goes, and by its language permits its sale by any person in any quantities. With these view tefore me—altrough they are not the interpretations of any of the highest courts—I am constrained to force om paretofore entertained opinion to yield to the authority of the Superme Court, as expressed at Brootlyn, and to believe that this provise occas make an exception in favor of imported liquors, is then defined. But the construction of this clause is legitimately with the jury; for to such an extent are into indisputably the judges of the law. In this case it was clearly proved, and indeed substantially admitted that the liquor, as alleged, was sold to Johnson and Hast time in the liquor and the statute which I have already cited. It is in you, gentlemen, to decide upon the fact whether the louise is that he had the right to sell aske did, under the chaines of the statute which I have already cited. It is in you, gentlemen, to decide upon the fact whether the louise that he had the wight had right to sell it. If the law is constructed as the defendant insigns it shall be, then will the work object of the law be defeated. But, however you may deprecate such a result, the responsibility is neithe

A meeting of the Fire Commissioners was held last evening, at the Firemen's Hall. Present, Commission-

22, was laid over, and the monthly returns of resigna-tions and appointments were received and confirmed. Complaint of Hose Company No 50 against John Mo-

Is a Circus a Numanos and Dangerous to Pushic HEALTHY—The Aldermen comprising the Brooklyn Board

Bayer, by passing the following resolution, the production of Alderman Barrard, who is also a lawyer:

Resolved, That the tents and booths which are being eracted on the block bounded by Court, Clinton, Joralemon and Remsen streets, are hereby declared to be a nuisance, and chapgrous to the public health; and that the same are hereby ordered to be destroyed, or removed without the limits of the city, under the direction of the Mayor, the expense to be charged to the owner or owners thereof.

The Mayor proceeded to execute the orders of the Board, with an Assistant Captain and six men of the First district police. On being directed to tear down the tent which was in process of erection, the police were informed that they would be held individually responsible for any damage which might ensue; and not being disposed to run any risk, they refused to shey orders, and the Mayor was unable to accomplish anything. The police telegraph was put into operation, summoning the men of the other districts but the sympathics of the great majority of those who had gathered about—and there was a large crowd—being on the side of the circus, it was deemed expedient to compromise matters, and effect a peaceable settlement of all the difficulties. This was accomplished by tendering the circus agent the use of tome vacant lots in Subsemethora street, to which the Mayor gave his assent, and the tent was soon removed to the quarters assigned to it. There was considerable excitement in regard to the matter, and much fun, but it is not yet declided whether it is dargerous to the bealth of the neighborhood into which the circus was removed or not. As it is an important question, the Beard of Health will probably eslighten the ocumentity by another resolution upon the subject at the next meeting. The policemen who refused to obey the orders of the Mayor have been suspended from duty.

DEFRALDING A COUNTRYMAN.—A countryman, name not ascertained, was defrauded out of a gold watch and seventy dollars, in Washington Park, on Sunday, by two fe

City Intelligence.

Fatal Accident at Drowning, at Norwalz, Conn.—
On Sunday, a son of Mr. Prior, of Norwalz, Conn., aged
six years, was accidentally drowned in the Norwalz
river while bathing with a companion of his, a few
months his senior. The two children, it appears, carelessly ventured to bathe in a dangerous spot, when by
some mischance Mr. Prior's son got beyond his depth
and was drowned. The death of the child is a said blow
to his afflicted parents.

Fire in Westchimpter County.—About two o'clock on
Monday morning, a fire broke out in the newly erested

bers of Hook and Ladder Company No. 8.—The members of Hook and Ladder Company No. 8 passed the Hunald office yesterday, accompanied by their truck, and preceded by a fine band of music. The members of this company are a fine locking body of men and creited very general remarks as they passed through the street. At the organism of the Hon. Nich Seagriet, the Sage of Hoomingdala, three cheors were propaged for the New York Hunald, and given with a will.

The committee of investigation in the case of the raising of the Joseph Walker met yesterday afternaon, parsuart to adjournment. Present-Ely. Voorbia, and

suart to adjournment. Present—Ely, Voorhia, and Varian.

IRAAC O. BARKER, Esq., President of the Board of Aldermen, and one of the Commissioners of Health, swora, and—That to his best recellection he did not receive any notification to attend the Board of Health on the 5th of May; I never heard of the subject of the raising of the Joseph Walker mentioned till I saw it in the newspapers, although I attended the meetings of the Board of Health several times; of my own personal knowledge I never heard that there was any dauger to the health of the city from the condition of the Joseph Walker, mor has it been communicated to me; I never votal as Commissioner of Health to authorise the Mayor to make any contract or expend money; I certainly would have ap-I do not think the Mayor has any power to act in the matter, except under the control of the Board of Health Walter R. Jones sworn —Finat gentleman protested

powds to the medical periods of the inject, set the medical periods of the injects of the injects of the medical periods of the injects of the medical periods of the Bound of Health Western R. Josen aware—Intel gratients protested his trainings of infection of the medical periods of the Bound of Health Western R. Josen aware—Intel gratients protested his trainings of infection or consequent to any control being actual types in reference to the single-pend without a term of the injects of the single-pend without a term of the injects of the single-pend without a term of the injects of the single-pend without a term of the injects of the single-pend without a term of the injects of the single-pend without a term of the injects of the

sold an exposure of this wouldn't look well for Alderman Mosher.

Alderman Hennick here put in—Whenever I have spoken to you, has it not always been in jest?

Mr. Jonns—Yes, is, it was always in a joke.

Alderman Vanlas—Ibid any member of the Board of Councilmen ever ask you to give them monsy?

Mr. Jonns—No, none of them; no one approached me for them; they have talked with me about the matter, and said it was an unjust thing; and volunteered their services in my behalf; these gentlemen were Councilmen Jenius, Haswall, Seeley and others; I thanked these gentlemen for their services, and that was all.

Alterman Vanlas—Have you ever been applied to by any newspaper for money to stop any publication about the Joseph Walker? If so, state what paper, and who applied.

would be said. He said that would make no difference, as the Alderman were going to give Fernando the First jesse.

Alderman Voorma here agiln objected to this testimony, and said it had nothing to do with the subject. Alderman Vania's contended that although his questions might not touch the subject now, they would before the subject was through here.

Alderman Hamanca here put in again. He contended that the question had nething to do with the subject. I demand to be heard here. If you will not hear me, I will appear by counsel.

Alderman Vania's—I want to know if it is right for me to be interrupted here as to my motives. I have my own motives, and I don't choose to explain them to any one. (The question was here read again.)

Mr. Jenns—Alderman Dodge said if I would give a thousand dollars, he would stop the publication in the Adian; I said I should do no such thing, and don't do it. On the Sunday following the Sunday Addar did come out, and pitched into Mr. Jones, the Mayor, and Ex-therman Dodge. He had only half the story, however; I called upon Herrick next morning, and told him I fait a little sore, and he said, "Why you need at feel had about it, for you appear in the light of a sharp negotiator." I said, "My family and friends would not like me to appear in such a light," Herrick said "Wood would not appoint his Captain of Poice in the Nineteenth ward, and he wanted to give him jesse, and the first opportunity he had was the Joseph Walker, and he must pitch in He said he had written an article, and thing at Lovejey's with Alderman Doogs, he had showed him the article, and told him for \$900 he would keep any article out of his paper, and kneet it into p; and since, I have seen Herrick himself, and he said he would keep any article out of his paper for \$200.

Alderdae Resures.— I will see the said he would keep any article that affects any body, and if that party was

come over and give me \$500. I will leave the article out.

Alderman Varian—Has the Mayor, he any respect, shows you say favor in this matter?

Mr. Jonns—No, he has not; he was determined to have the wreck removed, and he considered it a great out the wreck removed, and he considered it a great out the wreck removed, and he considered it a great out dollars to get her up; the Mayor was very parked and stringeot in taking bonds; have talked with Ha ary Wood upon this matter; he said he was corry the Alazz had eame out so against his brother; he considered that I had got a fair bargain out of the city.

Alderman Varian—Have you heard the mere antegrees any optome about the Joseph Walker! (This question was declared out of order.)

CROSS HEANINED BY ALDERMAN VOORMIS.

Alderman VOORMIS—I now want to green he sayor?

Mr. JOSES—I was to give him bonfe! I gave bonds for this money paid or promised by the Mayor?

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Mr. JOSES—I was to give him bonfe! I gave bonds for his money in the good security for the centract.

Alderman Voormis—Dea't you know this is not good security?

Alderman Varian—Well, now, I object to these ques-

St. 600; this bond cowered all the money I had received; I considered this good security for the centract.

Alderman VOORHIS—Den't you know this is not good security?

Alderman VOORHIS—Den't you know this is not good security?

Alderman VOORHIS—St. oon't interrupt me now—I dien't interrupt yeu. Den't not as she Mayor's tool avery where.

Alderman VOORHIS—St. Oon't not as the Mayor's tool avery where.

Alderman VAHAN, (rising with much excitement)—Mr. Charman, i will not be insulted here by Alderman Voorhis, or any, other man. The Mayor's tool! Why, it he geatleman can't use musy respectful language than this I should like to know. I will not stand this.

Alderman VOORHIS—Well, Alderman VOORHIS was too hasty in his remark.

Alderman VOORHIS—Well, t will withdraw the word tool, and say he is the Mayor's nelvocate; and further than that I will not withdraw a word.

Mr. JONES continued—I mayor saw Mr. Mosher at my office: I first saw Mosher in this room; I supposed obsert cane from Mosher; I came here to meet Mosher at Mr. JONES continued—I mayor saw Mr. Mosher at Mr. JONES continued—I mayor saw Mr. Mosher at my office: I first saw Mosher in this room; I supposed obsert came from Mosher; I came here to meet Mosher at Mr. JONES continued—I mayor saw Mr. Mosher at Mr. How the mayor since I was lead to say he cid; I supposed obsert was a first of the matter; how this came out about Mosher I don't know; I never said a word about i; I have seen the Mayor since I was least here; he asked me some questions about Mosher, and I refused to answer.

Mr. Van Olinda was supported here this afternoon, and I promised to come with him; some one of hold me I would be put upon the stand again; I came of my own accord here to day, neither the Mayor on his friends requested me to come here to day; I came here because I felt an interest in the matter.

Answer to Alderman Rix—The payments to this to done work on this ship previous to the 5th day of May; this work was performed through Mr. Barees up to this time; not more than \$200 had b

No. 35.
In imitation of the higher institutions of learning

some of our ward schools are holding annual commence cises are peculiarly appropriate in those schools which send a large number of pupils to the Free Academy. Yesterday the trustees and friends of grammar school rend a large number of pupils to the Free Academy. Yesterday the trustees and friends of grammar school No 35, in Thirteenth street, Fifteenth ward—Washington M. Smith, Principal; Thomas Hunter, Vice Principal; Charies Gates, First Assistant—met the graduating class to engage in a few pleasant exercises and presentations, and exchange parting congratulations and thanks. The graduating class was unusually large this year, numbering 69, being a larger number than has ever before been sent to the scacemy from any school in this city, and comprising a majority of both sentor and junior classes. This school has not adopted the policy of selecting a few boys for the academy who are sure of edimission, but that of encouraging all to try, and sending up the highest classes or masse, that none, if possible, may be deprived of their rightful privilege of being candidates for the rewards of good scholarship, and that those who fall may have the benefit of knowing where they stand. The justice and good result of this course are obvious.

After the chanting of the 22d paalm by the pupils, followed a facty spoken declamation by Master Whybrew.

The Lord's Prayer was then sung by the whole school. William Muller, of the senior class, then made an appropriate original address to the trustees, leachers and pupils of the school. Though called upon to state facts that place the school in the highest position, and which must awaken a noble prize in all connected with it, yet the unassuming gentlemanilines of his manner precluded the idea of boasting and vain glory.

The monthly certificates of punctuality, deportment and scholarship were then delivered to the retiring class by Eli Goodwiss. Esq. trustees of the ward. The number of cartificates was unusually large.

The nollowed the presentation of prizes to the most revision the season as a stand as high in the academy as they have stood in the grammar schools.

The affair passed off to the satisfaction of all concerned.

Excussion From Mowtheral to Platfaction of all concerned.

EXCUSION FROM MONTREAL TO PLATTRUM.

Three thousand citizens of Montreal visited Plattsbugs on Thursday, borne by thirty cars with three
lockmotives. Among the excursionists were HonJames Ferrier, T. Duncan Gibb, E. E. Shelton, Exp.,
Alderman Homser, of the city Corporation, T. D.
Hall, Esq., T. S. Brown, Ess., G. S. Muir, Ney, A.
N. Renne, Exq., J. Campbell, Exq., and many
others, among whom were some of the chiefs of
the cid Caughnewnuchas. They we a welcomed in
a reseach by William Pa mer, Esq., President of the
Corporation of Plattahory and treated state due
http://dx.di.

FALL OF A BUILDING-TWO MEN KILLED AND SEVE BAL SEVERELY INJURED.

An accident of a most serious nature occurred yes terday morning, about 16½ o'clock, at the corner of Nassau and Cedar's reets. I a seem the buildings at that spot are now u desgoing the process of demolition, in order to erect in the place the new Boat of Commerce. As is too often the case, the laborers incautionals in all all and a laborary incautions of the case, the laborary incautions of the case of the case, the laborary incautions of the case of th merce. As is too often he case, the laborers incon-flously placed a large quantity of stone and pricks on the second floor, which being without proper support, gave way to the pre-sure and fell with a loud cresh, alarming the whole neighboriseed. The cry was imme-diately raised that a number of men were buried in the ruins, and great excitement ensued. Word was sent to

A COURAGEOUS WOMAN—A HOUSEEMAKER SHOT. At an early hour yesterday morning Mrs. Lindsay, of No. 126 Eighth avenue, was awore by the noise, as she supposed, of burglars. She intimated her suspicious to her husband, but he told her it was all imagination and Mr Lindsay then fell asleep, but his better half remained were correct. In about an hour or so after the first alarm, Mrs. Lindsay heard a noise quite plainly in the alarm, Mrs. Lindssy heard a noise quite pisinly in the room adjoining that in which she slept. And on going out to the landing cautiously, she saw two fellows in the room, who, with a lighted candle, were ransacking every nock and corner of the pisse in rearroling for plunes. The mistress of the house being a woman of atrong nerves, without saying a word returned to be bedroom noiselessy, and in an instant, without letting her husband know anything of was, was transpring, serized a loaded revolver that hung at the head of the bed, and then going out on the landing again, book deliberate aim at one of the burgiars, and firing off the weapon, succeeded in hitting him, for he immediately cried out "My Got, Bill, I'm shot," and then retreated along with his companion down starts, and made good their escape. The plunder that was intended to have been carried off, consisting of fine clothing and jewelry, was found on the floor, packed up in a neat natile bundle, where it was left in the confusion of the mement. Spots of bood were also perceptible, showing evicently that Mrs. Lindsay's aim was by no means an indifferent one under the trying circumstances of the case. Mr. Lindsay may felicitate him self upon heving such a spouse, as few of this sterner sex could have seried with more coolness and bravery on the occasion.

RURGLARY AND LABORN I BROWN OF STATES OF STATE Dowling, of the Sixth ward police, was informed of the occurrence. On the latter visiting the premises he felt perfectly satisfied, from the aspect of the place, that the robbers intended paying them a second visit on Sunday night, for the purpose of carrying of some more of the plunder. A plan was then laid for the capture of the party should they return, which was as follows.—Capt lowling, with a requad of his mea, was stationed in an alley way, at the rear of the building, while two of Mr. Powell's briends were to watch the outliding on the inside. At 9 o'click on that evening, as was anticipated, the burglars made their appearance and were about entering the building, when they became alarmed at some noise that was created in the rear of the premises, jand took to their hepls. Some time afterwards three young men, named Morris Edwards, Lewis Trainor and Henry Cleaney, were arrested on suspicion of being the perpetrators of the burglary, but there is little or no evidence against them.

ATEMPT AT ROBERNY—THE SLUNG SHOT AGAIN.

At a late honr on Sunday night a daring attempt wa made to areassinate and rob a man named John Bayaton. as he was passing through Mu'berry street, by two ruf fians, who sprung upon him, and after giving him a se vere stab with a dirk knife, proceeded to finish their work of cepredation by stealing Mr. Boyston's watch and work of cepredation by stealing Mr. Boyston's watch and pocket book, when officer Boyle, of the Fourteenth ward police, attiracted to the spot by the noise, rushed to his assistance and endeavered to take one of the villains prisoner, when he also received a heavy blow across the head with a slung shot, disabling him completely and rendering pursuit out of the question. After getting the officer out of the way, the highwayman decamped and made good their escape. Boyston was coursyed to a drug store, where his wounds were dressed. The policeman was also so severely burt as to render the assistance of a medical man necessary. No clue has yet best obtained to the whereabouts of these scoundress, but it is hoped that in a few days they will be locked up in the Tombs.

George H. Davis was taken into custody by officer Copeland, of the Fourteenth ward police, charged with watch, valued at \$70, the property of Dr. Voss, of No. 15 White street. From the testimony adduced before Justice Wood, it appears that Davis, soon after the committee of the largesty, called at the residence of Julius Tammany, at No. 5 William atreet, and saying that he was hard up for money, asked a loan of \$15 on the case of instruments. The request was granted, and Davis left the property was discovered by Dr. Voss, who tientified it as that which had been stolen from bim, and Davis was accordingly arrested on charge of grand largeny. Justice Wood committed the accused for examination.

AN OLD CUSTOMEN CAUGHT.

On Sunday night efficers Bouder and Hirdsall, of the
Eighteenth ward, arrested a man named Andrew McFall
on suspicion of having burglariously entered a dwelling on suspicion of having burglariously enfered a dwalling house in Fourteenth street, near Fourth avenue. As they were conveying him to the station house, the princers made his seespe, and getting upon the roots of arms houses anceeded in getting away from them for a time, but the officers finally traced him to a taverp in the neighborhood, where he was found in bed, precenting to be askep. The residence of the princer was, on bring searched, found to contain a lat of goods which are supposed to be the proceeds of various burglaries, as they had all the appearance of stolen goods. The magintrate at the Second Duttier Folice Court committee the accused for examination on charge of burglary. Capt. Walling, of the Engineenth ward police, says in his report to the Chief of Police that the princers for six years not the their of Police that the princer for six years not interested that neighborhood by committing various largenies and burglaries.

FOUND IN HER FORESERION. FOUND IN HER PORSESSION.

A woman, named Mary Gruger, was arrested by police.

man Connell, of the Thirteenth ward, charged with having stolen a silk mantilla, valued at \$40, the property of Malche hommers, of he 200 Delance, street. The pro-perty of the complainant was found in the possession of the accused. Justice Wood committed her to prison for examination.

CHARGE OF GRAND LABORNT.

Henry Lein was arrested by officer Bartley, of the Fourth ward police, charged with having, on the 25d inst., stelen 500 worth of property from the radiance of Joseph behorm, of 150 William street. The accusion, it is aliged, earsered the hell door by meanes of false keys while the family were at dinner, and carried off the property. A bunch of shelston keys were found in the possession of the prisoner, who is meanenly eighteen years of age. Justice Comboilty dominitied the accused for trial in default of \$400 ball.

Agents of \$160 best.

ARREST OF AN ALLEGED LOTTERT BEALES.

Yesterday afternoon Bergeant Wabb and officer Managed, of the Lower Police Court, made a descent upon the exchange effect of Joseph Neah, at 38 West Broadway, and arre-ted the preprinters of the plans on charge of selling lettery policies contrary to law. A large number of class, schomes, and the tooks of the exact linearity, were selected by the officers and conversed to the Frince Court. Noah was broadle for the first policies of the first policies and the tooks of the exact linearity, were selected by the officers and conversed to the Frince Court. Noah was broadle for the first policies and the policy of the first policies.

Grand National Convention of the Antes

morning, and will continue to sit daily during the pre-sent week, there being many matters of grea interest to come before the convention for adjuctionties. This organization was commenced in Pittsburg, Penn-sylvania, in the year 1849, and since that time her grown

Machines.

A meeting of persons opposed to the street sweeping machines as a means of cleaning the various avenues and thoroughfares of the city was held last evening at No. I avenue A, G. W. Jaques in the chair, and Mr. Fuchall acting as Secretary. The assemblage was by no means an influential one, although no doubt these present were of opinion that it was a gathering of mem whose deliberations would be looked upon with great material by the community generally, and his honor Mayor Wood especially.

mittee for the purpose of making the necessary or rangements for a grand rally in the Park, where all to terested could give free vent to their feelings.

great deal of nonsenical talk, it was resolved to appoint a committee to raw up a petition against the introduction of the machine, as detrinestal to the interests of the community, to be presented to the Common Council when in nession.

A lively discussion then aprung up relative to the proper manner of raising function the expenses of the mass reseting. No other business of importance was transacted.

JUDGMENT UNDER THE LIEN LAW.

rick.—This action is brought to recover \$500 under the lien law. It appears that in the fail of 1864 the defendants employed one Edward Lee to finish six certain buildings on the southerly side of Twenty-eighth exceet, buildings on the southerly side of Twenty-eighth access, between First and fecend avenues. Lee, in pursuasce of his agreement, employed the plaintiff to do the painting, at \$65 each house. The detectants at that time has but a building contract from the owner of the loss, one fitewart, they cohesquently received a deed for the same. It was contended by defence that no lies could be enforced against the property, or against the cereadants, as they were not the party beneficially interested. Judgment for plaintiff, \$400 and costs.

In the case of Dyer's William Forrest, a suit for goods cold and delivered, reported in Monday's Hessian, the Court gave judgment for plaintiff, \$240 \$2. \$12 allowance and costs.

ance and coats.

QUESTION ON RELEASE.

Julius Higand et. Manhew O' Furrell, impleaded, de,—
This was an action upon a premiseory note, dated 24th
February, 1856, drawn by John Harbutt, ninety days
after date, for \$170.68, payable to the order of Matthew This was an action upon a premissory gote, dated 24th February, 1856, drawn by John Harbutt, minty days after date, for \$170 58, payable to the order of Matthew O'Barrell, and by him endorsed, and which note was do, livered to A. Rigech & Co., dry goods merchants in William street, for goods sold and delivered by them to John Harbutt. The defendant, John Harbutt, not having been served with process, the cause was tried against the coher defendant, O'Barrell. The note was proved by Mr. McChann, the counsed for the plaintift, and the evidence showed that after the note fell due A. Hirsch & Co. commenced a rail to this court against the manuparties on this note, and judgment of discontinuous obtained, since which judgment it can proved that A. Hirsch & Co. assignment the mote to Julius Rigund, the plaintiff in this action, and the plaintiff proved the note to be row held by Rim. A moniton was team made for a non-surt by Mr. R. L. Billings, defendant's counsel, on the ground direct that no consideration is proved to have been paid for the assignment of the note by Altrach & Co. to the present plaintiff, and that the plaintiff as not the form fide owner, and holder of the note years been paid for the sasignment of the one provided, or notice of non-payment given to the emorrance of the thirty of the satisfaction, in their conprehensive the defendant proved a release of all claims and formals executed the Path May, thick, by limon heringer, one of the firm of A. Hirsch & Co., to John Harbutt, for a valuation the Path May, thick, by limon heringer, one of the firm of A. Hirsch & Co., to John Harbutt, for a valuation the first high the contraction of the case of the note in this case, which was objected to by the delegiant's counsel, and the offered to show that the release was post insulated the creamed to the research plaintiff countered that the release of the parties to this nection, and the offer vas value and the offered to have prefer to the firm, was should as a first the color have in this cent, a the color of